

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	David H. Coar	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 7160	DATE	April 3, 2008
CASE TITLE	Auto Underwriters Portfolio v.AGM, LLC		

**DOCKET ENTRY TEXT:**

Motion hearing held on 4/3/2008 regarding # 13. For the reasons stated on the record Motion [13] to dismiss for lack of jurisdiction is denied. Rule 16(b) Scheduling conference is set for May 13, 2008 at 9:00 a.m. Report of Parties Planning Conference pursuant to Rule 26(f) and the Proposed Scheduling Order pursuant to Rule 16(b) to be e-filed (both documents to be e-filed on the docket - forms of Report of Planning conference and Proposed Scheduling Order are available on the Court's web page or in chambers)

■[ For further details see text below.]

Docketing to mail notices

## STATEMENT

(a) Within fourteen (14) days of the receipt of this order, counsel shall meet as required by Rule 26(f) (Fed. R. Civ. P.) to discuss the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case, and to develop a proposed discovery plan. In addition, counsel shall discuss the scheduling matters addressed in Rule 16(b) and © (Fed. R. Civ. P.). At the conclusion of the meeting of counsel, discovery may commence. The fact that a defendant has not answered does not relieve the parties from the obligation to comply with this order.

(b) Not less than five (5) days prior to the scheduling conference, counsel shall e- file the report of planning conference pursuant to Rule 26(f) and a proposed scheduling order pursuant to Rule 16(b) (e-file both documents on the docket). Failure to file a discovery plan will not be excused on the basis that counsel will be unable to estimate what discovery needs to be taken until answers to written discovery are received.

© If a defendant has not been served, or if no attorney has filed an appearance for a defendant who has been served, counsel for the plaintiff may advise the court of that fact, in writing, and request a continuance of the Rule 16(b) scheduling conference. Any such request shall include a detailed statement as to why service has not been accomplished and what steps are currently being taken to achieve service. If counsel for the plaintiff has been contacted by (or otherwise knows) counsel who has not filed an appearance, counsel for the plaintiff shall forward to other counsel a copy of the order setting the Rule 16 scheduling conference and proceed to schedule the Rule 26(f) meeting as if an appearance had been filed.

(d) The filing of a motion to dismiss will not relieve the parties from any obligation imposed by this order except by further order of this court.

### Other Pretrial Conferences

In order to achieve a speedy, just and economical disposition of cases, the court may schedule periodic conferences or status hearings in all civil cases. These conferences may be held in chambers or in court with all counsel present, or with some or all counsel appearing telephonically. Any request to appear telephonically shall be in writing and made at least three (3) business days prior to the scheduled conference. In some cases, periodic written status reports may be used in lieu of conferences. The manner and frequency of pretrial conferences will be discussed at the Rule 16 scheduling conference.

Courtroom Deputy  
Initials:

PAMF